

**REMARKS/ARGUMENTS**

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1, 3, 5, 10-12, 14 and 21-40 have been amended. Claims 2, 13, 15, 22, 33, and 35 have been canceled. Claims 41 and 42 have been added. Claims 7 and 27 are allowable. Hence, Claims 1, 3-6, 8-12, 14, 16-21, 23-26, 28-32, 34 and 36-42 are pending in the application.

**35 USC §101 REJECTION**

Claims 21-40 were rejected under 35 U.S.C. § 101 as being unpatentable because these claims were allegedly directed to non-statutory subject matter. It is alleged that computer-readable medium is not statutory subject matter because it includes a form of energy. Claims 21-40 have been amended to recite “computer-readable *storage* medium” to comply with structural limitation requirements withdrawal of the rejections under 35 USC §101 is requested.

**THE REJECTIONS BASED ON THE PRIOR ART***CLAIM 1*

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,996,126 by Szabo et al. (“*Szabo*”). These rejections are traversed.

Claim 1 as amended recites “wherein the displaying of the user interface includes at least displaying a graphical preview of the expected size of the dataset, the graphical preview having a thickness representative of the expected size of the dataset”. The Office Action alleges that this is disclosed as the pyramid of Fig. 9B and triangle of Fig. 9C in Szabo. However, these figures represent only ‘ranking’ results, not the amount in the resultant dataset. More specifically, these ranked results display the pertinence of the results based on additional criteria. This can be based on relevance-based search technology that will result in a ranked list

of “hits” (Szabo, Col. 10, ln. 13-15). Additionally, the ranking of the set members only occurs after the set is fulfilled. When ranking a set member, a primary set inclusion criterion is fulfilled, and generally only then is a secondary criterion applied to order the set members (Col. 10, ln. 57-60). Thus, the pyramid and triangle outputs display only rankings or the pertinence of relevance searches and not the amount of the resultant dataset in a query. The Office Action states that “the *relevance* of ‘hits’ is the expected size of the dataset”, while the expected size of the dataset should be the ‘hits’ themselves, not the *relevance* of the hits or their rankings. Furthermore, these rankings occur after a set is already determined and so the pyramid or triangle output cannot display the expected amount in the dataset. Thus, Szabo does not disclose all of the limitations in amended Claim 1. Therefore, Claims 1-4 are patentable over Szabo under 35 USC §102(b).

#### *CLAIM 5*

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of U.S. Patent Number 6,886,138 issued to Laffey et al. ("*Laffey*"). The rejection is traversed.

The Office Action alleges that Szabo teaches displaying a graphical preview. The arguments made in Claim 1 with regard to the graphical preview apply to the limitation in this claim as well. In addition, Claim 5 recites “displaying a graphical preview indication that is a visually distinct region located in a proximity to an icon representing a filter”. The Office Action asserts that Laffey’s spacing between icons with greater or lesser density teaches placing a graphical preview in a proximity to an icon representing a filter. However, the spacing between icons does not show or teach placing a graphical preview in a proximity to an icon. The spacing in Laffey is only to indicate that a group of icons located close to one another are

to be selected as a group if one icon is selected by the user, **not** to indicate that the proximity of the icon represents a certain significance such as the expected dataset size resulting from the filtering associated with that specific icon. Thus Szabo in view of Laffey has failed to disclose each limitation of amended Claim 5. Therefore, Claim 5 is patentable over Szabo in view of Laffey under 35 USC §103(a).

#### *CLAIM 6*

Claims 6 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of U.S. Patent Number 6,556,225 issued to MacPhail et al. ("*MacPhail*"). The rejection is traversed.

Claim 6 recites "the graphical representation including at least a graphical preview indication of an expected size of a dataset resulting from application of at least a portion of the query, the graphical preview indication being a visually distinct region having a shape suggestive of a funnel." The Office Action alleges that Szabo discloses the limitation of "the graphical representation including at least a graphical preview indication of an expected size of a dataset resulting from application of at least a portion of the query" at Col. 19, ln 64-67 and Col. 20, ln. 1-18. However, as stated in the arguments presented in regard to Claim 1, the graphical representations of Fig. 9B and Fig. 9C are not of the expected size of a dataset. To the contrary, these representations represent relevance rankings of the dataset. Thus, any shape that Szabo shows does not indicate the expected size of the dataset. Furthermore, although MacPhail discloses the rotation of the graphical representation, thereby enabling the application to rotate the triangle or pyramid upside down, the triangle output is not an expected size of a dataset. Macphail's rotation is moot. Therefore, because the cited references do not disclose

every limitation of Claim 6. Therefore, Claim 6 is patentable over Szabo in view of MacPhail under 35 USC §103(a).

*CLAIM 8*

Claims 8, 10-13, 28 and 30-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 5,701,456 issued to Jacopi et al. ("*Jacopi*"). The rejection is traversed.

Claim 8 recites "...the graphical representation including at least an icon that is a group icon representing a group of filters of the search query." The Office Action alleges that the group selection icon in Jacopi discloses this limitation. However, the group selection icon refers to the formulation process for GROUP conditions. GROUP conditions using SQL statements do not actually cause specific results to be filtered from a larger dataset. When such conditions are specified, the result set remains the same and is ordered into groupings based on criteria set by the user. The group selection icon will allow one to select results based on the grouped data. However, the group icons, as recited in Claim 8, do not refer to selecting grouped statements, but to a plurality of filters associated with a search query being contained in a specific icon. Each of the filters associated with the group icon will make selections based on criteria specified from the user and result in the reduction of the dataset. Thus, the icon representing a group of filters is not disclosed or taught by Jacopi. Therefore, Claim 8 is patentable over Jacopi under 35 USC §102(b).

*CLAIM 10*

As currently amended, Claim 10 recites "the user interface including at least a set of logical operator buttons wherein each button is associated with a logical operator; and in

response to a selection of the first icon and second icon and a selection of a button from the set of logical operator buttons, to apply the logical operator associated with the selected button to the first icon and second icon.” Jacopi fails to disclose the presence of any logical operator buttons on the user interface. The logical operator buttons recited in Claim 10 allow changes to the formulated query to be made very quickly. Thus, Jacopi fails to teach or disclose each limitation of Claim 10. Therefore, Claim 10 is patentable over Jacopi under 35 USC §102(b).

#### *CLAIM 14*

Claims 15 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,925,608 issued to Neale et al. ("*Neale*") in view of U.S. Publication Number 2004/0260973 by Michelman et al. ("*Michelman*"). As currently amended, Claim 14 recites “wherein the performing of the action includes independently disabling the one query step without removing the components of the one query step from the query representation, thereby disabling any portion of the search query corresponding to the one query step”. As this limitation was originally included as Claim 15, the arguments proffered against Claim 15 in the Office Action will be discussed.

The Office Action alleges that Neale in view of Michelman suggests or teaches the action this limitation. However, the Office Action admits that Neale does not disclose the ability to disable certain portions of a query. Michelman specifically teaches that selecting or de-selecting of files can be performed to signify to a computer backup system that the particular file should be backed up by the system. However, Michelman does not suggest that this action could be performed with a database system. Furthermore, selecting or de-selecting does not result in changes to any formulated query. Thus, Neale and Michelman fail to disclose or teach

all of the limitations of Claim 14. Therefore, Claim 14 is patentable over Neale in view of Michelman under 35 USC §103(a).

### **DEPENDENT CLAIMS**

Claims 3 and 4 are dependents of independent Claim 1. Claim 9 is a dependent of independent Claim 8. Claims 11-12 and 41 are dependents of independent Claim 10. Claims 16-20 are dependents of independent Claim 14. These dependent claims also include the limitations of the claims upon which they depend. These dependent claims are patentable for at least those reasons that the independent claims upon which the dependent claims depend are patentable. Thus, withdrawal of the rejections of these claims is respectfully requested. Claims 21, 23-26, 28-32, 34, 36-40 and 42 are the computer readable medium forms of Claims 1, 3-6, 8-12, 14, 16-20 and 41. Therefore, Claims 21, 23-26, 28-32, 34, 36-40 and 42 also are patentable for at least those reasons that the claims upon which the computer readable medium claims depend are patentable. Thus, withdrawal of the rejections of these claims is respectfully requested.

### **CONCLUSION**


For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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on 11/15/2006

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